

PLANNING BOARD MINUTES

June 20, 2016

Call The Meeting to Order

Chairman Stephen Johnson called the meeting to order at 7:00 P.M. in the Town Hall Meeting Room. Present at the meeting were Vice Chairman Robert Fowler Nancy Reed, Vincent Fratalia, Keith Anderson, Director of Community Development Steve Sadwick and Recording Secretary Dawn Cathcart.

Mr. Johnson acknowledged the passing of Town Historian and Former Treasurer/Collect Warren Carey.

(A) Approval of Minutes – May 23, 2016 and June 6, 2016

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of May 23, 2016 as submitted. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

MOTION - Mr. Fratalia made a motion to approve the Planning Board minutes of June 6, 2016 as submitted. The motion was seconded by Mr. Anderson and unanimously voted 5-0.

(B) Committee Reports/Administrative Actions

(B1) Committee Reports

There were no committee reports.

(C) Master Plan Public Hearing

Mr. Sadwick stated that the Planning Board reviewed the draft Master Plan and held a working session on June 7, 2016 with the consultant from RKG, Judy Barrett. Mr. Sadwick provided the draft minutes. There were two motions that came from the meeting. One was to add a goal to create a Community Wide Preservation Plan and add to the implementation plan that the Historic Commission researches this plan. These will be in the final copy of the Master Plan. Mrs. Reed stated that in the implementation she thought it was setting up an overlay district which would include a plan.

Mr. Sadwick stated that the second change was in reference to zoning. There were some references in the zoning section to items that have been removed by Town Meeting, i.e. MFD in an SVD. This has been removed and a zoning reference date added. The Master Plan now has a total of eleven recommendations, a review of existing conditions, key planning issues, and implementation program. In 2003, the Board had the Master Plan as a standing agenda item and suggested this be added as a standing agenda item again so they can talk about implementation when needed.

Mr. Fratalia asked if Ms. Barrett received any pictures. Mr. Sadwick stated that he sent her about ten pictures. Mrs. Reed added that she sent about six pictures.

There were no questions from the audience.

MOTION - Mr. Fowler made a motion to approve the Master Plan with the two recommendations included from the working session as discussed tonight. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

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(D) 1700 Shawsheen Street, Energy North for Francesca Land, LLC Sign Special Permit

MOTION - Mr. Fowler made a motion to waive the reading of the public hearing notice. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Attorney Richard O'Neill appeared for the Sign Special Permit for 1700 Shawsheen Street. Attorney O'Neill stated that he was here with Joseph Germano, land owner about six weeks ago to discuss the signs on the site. The Board agreed it would be cleaner to apply for the Sign Special Permit since the gas station was changing their signs also. Attorney O'Neill stated that there were two attachments supplied. Attachment A shows the signs that will be changing from Citgo to Mobil. This is a change in rebranding. The second attachment, Attachment B shows the signs that are being requested for the car wash. Each sign is depicted by a numbered picture. The numbering is from the previous meeting. Picture #4 has been removed per the Boards request. The signs in Picture #10 are directional signs. The signs in the back of the photo have been removed per the Building Commissioners request.

Mrs. Reed stated that there were two signs previously shown, one on East Street and one on Shawsheen Street in the grass. Have they been removed? Attorney O'Neill replied he believes so. Mrs. Reed agreed with the Building Commissioner and the type of signs depicted in Picture #10 should be removed. Attorney O'Neill stated that the signs in the back ground of Picture #10 have been removed but these are directional signs. Mrs. Reed stated that she thought they already discussed these signs and told them to be removed. Mr. Johnson stated that there are two similar signs depicted in Picture #11. Mr. Johnson also added that he doesn't believe that "Winter Special" or "Tire Cleaning Special" could be considered directional signs. Attorney O'Neill agreed with that, only the touch free signs.

Mr. Anderson stated that he stands by the Building Commissioner and all signs depicted in #10 and #11 should be removed and not needed. He has no objection to the other ones.

Mr. Fowler stated that he spoke with Mr. Germano previously about these signs and he said he would remove them, so he would agree with removing these types of signs from the site.

Mr. Fratalia stated that the open 24 hours car wash signs are all over this site. They don't need to say "Open 24 hours" on all of them. He agrees that the signs depicted in Picture #10 and the two in Picture #11 should be removed. He also thinks that the sign in Picture #15 should be removed. There is a sign that says "No Left Turn" but then it says car wash is to the left so it is confusing. Attorney O'Neill stated that it is confusing so that sign is there to tell people not to leave the site if they want the car wash but to turn left before leaving the site. Mr. Fratalia stated that he is also not in favor of the sign in Picture #20 because it is only about 15' from the sign in Picture #16.

Attorney O'Neill asked that he be allowed to remove the signs in Picture #10 and the two similar signs in Picture #11. Mr. Johnson stated that if those signs were removed tonight then no decision will be made with them. If the applicant wants them, then they would have to go back to the Building Commissioner and then come back here to this Board. Mr. Johnson took a pole vote of the Board. Mr. Anderson was the only member opposed.

MOTION - Mr. Fowler made a motion to allow the applicant to withdrawn the signs in Picture #10 and the two similar signs in Picture #11. The motion was seconded by Mrs. Reed and voted

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4-1. Mr. Fowler, Mrs. Reed, Mr. Fratalia and Mr. Johnson voting in favor and Mr. Anderson voting opposed.

Mr. Johnson stated that for clarification, there seems to be no problem with the signs proposed in Attachment A. In a previous review, there were other pictures not shown tonight. Picture #1 which was a sign located in the bushes has been or will be removed. Picture #2, is a Welcome to Tewksbury sign and the Board has no problem with that sign. Picture #3 was a sign on Shawsheen Street that has been or will be removed. Mr. Johnson stated back to the pictures tonight, Picture #15 is misleading. During a site visit, the sign is needed for internal directions to the car wash. He does not believe the sign in Picture #16 is necessary and Picture #20 is internal and he believes it is ok. Attorney O'Neill stated that the sign in Picture #16 is necessary because that is the best direct entrance to the car wash.

Mr. Fowler stated that problem with the sign in Picture #15 is that there are three signs bunched together. It would make more sense to remove the car wash sign from the existing pole and move toward the top of the landscape area near the boulders, so that it is more in the site. He is ok with the sign in Picture #16.

Mrs. Reed agreed with Mr. Fowler on Picture #15. She believes it makes more sense to move closer to the boulders. Mrs. Reed stated that she understands the need for Picture #16 but perhaps it could be smaller.

Mr. Fratalia stated that he agrees with moving the sign in Picture #15 and Picture #16 is within 15' of Picture #20, so one should be removed. Attorney O'Neill stated that Picture #16 is the most effective sign and Picture #20 is the most visible. Mr. Johnson asked if the backside of Picture #16 can be seen from the site. Attorney O'Neill replied yes. Mr. Johnson stated that perhaps Sign #20 is not needed.

Mr. Sadwick stated that the Planning Board has been gracious on trying to work through this sign issue. There is a lot going on with this site. The original Special Permit was for the gas station, Dunkin Donuts and Energy North building. Then the car wash came, then it was modified to add the second tunnel and then came all of these signs without permits. These signs are a problem because there is internal confusion. The applicant is now coming in after these signs have been installed asking for forgiveness instead of permission. The Board should look closely when there is an expansion of an existing Special Permit to make sure the signage is addressed. Mr. Fowler agreed and said that signs should be part of the initial Special Permit or with a modification.

Attorney O'Neill stated that the site was permitted with a gas station and office building. The sign in Picture #15 was added because there is a no left turn there in the original special permit and when the drive-thru went in it became a one-way access. The second car wash tunnel came in after that. Mr. Johnson stated that there are six uses on site and only one is causing issues with the signs.

There were no questions from the audience.

MOTION - Mr. Fowler made a motion to close the public hearing for 1700 Shawsheen Street. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

MOTION - Mr. Fowler made a motion to approve the Sign Special Permit for 1700 Shawsheen Street. The application included two attachments. The signs presented in Attachment A for the Mobil rebranding are approved as submitted. The signs presented in Attachment B for the Car

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Wash are approved as follows: Picture #4 approved, Picture #5 approved, Picture #6 approved, Picture #7 approved, Picture #8 approved, Picture #9 approved, Picture #10 has been withdrawn by the applicant, Picture #11 approved with the exception of the removal of the two similar signs as #10, which has been withdrawn by the applicant, Picture #13 approved, Picture #14 approved, Picture #15, the sign can remain but must be removed from the existing pole and moved closer to the boulders and placed no higher than the existing height on its own separate pole, Picture #16 is approved and Picture #20 is approved. For the record, any signs not approved in the Special Permit must be removed from the site and any sign that may require a waiver is granted. A building permit is required for the signs and dimensions must be included for all approved signs. The motion was seconded Mrs. Reed and voted 4-1 in favor. Mr. Fowler, Mrs. Reed, Mr. Fratalia and Mr. Johnson voting in favor and Mr. Anderson voting opposed.

(E) 2122 Main Street, Semaan Properties, LLC – Site Plan Special Permit, South Village Overlay District Continued

Matt Hamor and Eli Semaan appeared for the continued Site Plan Special Permit at 2122 Main Street. Mr. Hamor thanked the Board for their comments and they have redesigned the project. They have changed the project to a mixed use development to include a commercial building and a residential component. They have turned the commercial building to face Main Street. The proposal is to have one commercial building with two tenant spaces and nine rental townhouse units. There will be one three-unit building and three two-unit buildings. The residential units will be approximately 1200 SF of living space with a loft and a 12' x 20' garage. The distances between the duplex is 14.5'. There will be no dumpsters. They are proposing having a service come in to service the residential and commercial units. They are proposing a 7' solid white fence along the back. The new plans are about 75% engineered and they hope to submit back to the Town by the end of the week.

Mr. Fowler stated that he is glad that the building is facing Main Street. Mr. Fowler stated that on the plans, it should be noted that two parking spaces are provided but one is enclosed with the garage. He is concerned with traffic entering into the commercial business and cars coming around out of the residential. Mr. Hamor stated that he can modify the burm and perhaps add a stop line.

Mr. Anderson stated that this is a great plan for this part of Tewksbury. He would like a landscape plan submitted. Mr. Anderson asked if there was an affordable unit in the plan. Mr. Sadwick stated that if there are nine units then there is one affordable. Mr. Sadwick stated that if using the DHCD calculations for local action units, then the Town would get credit for the nine units but only one would be affordable. Mrs. Reed stated that DHCD requires 25% affordable, not 15%. Mr. Sadwick stated that was correct, so if going through DHCD, then 25% of nine units are three affordable but if they had eight units only two would need to be affordable. Mr. Hamor stated that we need to discuss this with his client. Mr. Sadwick stated that obviously going through the State is most beneficial to the Town. Mrs. Reed stated that there are other options available and they should continue the conversation with Mr. Sadwick.

Mrs. Reed stated that this is a better plan and excited about the affordable option.

Mr. Johnson stated that affordable is not the same as low-income housing.

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Mr. Fratalia asked if there was a previous plan that just showed one commercial tenant. Mr. Hamor replied yes, but that was just a first pass and Mr. Semaan does not need that much floor space.

Mr. Johnson stated that he would like to make sure the sides of the commercial building have windows and looks pleasing from Main Street. Mr. Hamor stated that yes; they are going to wrap the glass around the corners.

Mr. Fowler stated that we have had issues in the past where lofts become bedrooms. Mr. Hamor stated that should not be a problem because these will be rentals and there will not be doors.

Mark Kratman of 8 Sunset Road – Mr. Kratman stated that there will be no dumpsters on site. Mr. Hamor replied that was correct. Mr. Kratman stated that he is glad the fence is being done. He is concerns with the walkway and asked that a crosswalk and walkway be added for the residential units. He also asked that pavement markers to have directional signage around the roundabout in the residential unit area as well as a stop line at the residential units. Mr. Kratman stated that Mass DOT requires a 36' entrance and this plan only shows 24'. Mr. Hamor replied that most projects have been approved at 24' but they can look at it with Mass DOT.

Mr. Anderson asked what the square footage of the open area is near the duplex. Mr. Hamor replied there is about a couple of thousand square feet.

MOTION - Mr. Anderson made a motion to continue the Site Plan Special Permit for 2122 Main Street until July 11, 2016 at 7:15 PM. The motion was seconded by Mrs. Reed and unanimously voted 5-0.

(F) 1330 Main Street – Village Mixed Use Concept Plan Discussion

Jon Tilton appeared to discuss a Village Mixed Use concept plan at 1330 Main Street. Mr. Tilton stated that this lot is at the entrance of Carter Green and across the street from Discount Madness. This is zoned Commercial with the Village Mixed Use overlay. There is currently a single family home. They are proposing two duplex units and a 612 SF one story or 1,224 SF two story office building. They will provide 8 parking spaces for the residential use with one space inside and the office will have four spaces. They would need a waiver for the 50' setbacks.

Mr. Fratalia asked how big the lot is. Mr. Tilton replied it is 15,197 SF. Mr. Fratalia asked if the abutters have been talked to yet. Mr. Tilton replied not yet. Mr. Fratalia asked if these would be rental properties. Mr. Tilton stated that they do not know yet.

Mr. Anderson stated that this site is very tight and there is a lot going on for 15,197 SF lot. They would be requesting a lot of waivers. We just heard that Mass DOT requires a 36' opening which would impact your design even further. Mr. Anderson stated that he would like a landscape plan. He has no objection to the concept but this is a tight site.

Mr. Fowler asked if they owner has any discussion with the adjacent landowner to see if additional land could be combined. Mr. Tilton replied no. Mr. Fowler stated that if you don't check, you never know. Mr. Fowler would also like a rendering.

Mrs. Reed asked what type of office is proposed. Mr. Tilton replied they are not sure. Mrs. Reed agreed that there is a lot going on with a very small site. They like to promote economic development on Rt. 38 but this might be too much.

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Mr. Johnson stated that he echoes the comments about a small site. There would be setback and parking issues and it seems like the office is just thrown in because it's needed to get the residential uses. Four residential units seem excessive and not every property in the overlay district can or should be developed for mixed use.

Mr. Tilton asked if the Board is ok with the setbacks and waivers. Mr. Johnson stated that we cannot say yes on a conceptual plan. Each development is different. Mr. Tilton asked if he should come back with a different concept plan or file for the special permit. Mr. Johnson replied it was up to you but he would suggest taking the comments into consideration.

Mr. Anderson asked if this entrance was directly across from Discount Madness. Mr. Tilton replied yes. Mr. Anderson stated that might be an issue.

Old Business

There was no old business.

New Business

There was no new business.

Director's Report

There was no Director's Report.

Adjournment

MOTION - Mrs. Reed made a motion to adjourn the meeting at 8:55 PM. The motion was seconded by Mr. Fratalia and unanimously voted 5-0.

Approved on: 7/11/16

*List of documents for 6/20/16 Agenda
Documents can be located at the Community Development Office*

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| A. | 7:00 | Approval of Minutes
May 23, 2016
June 6, 2016 |
| B. | 7:00 | Committee Reports/Administrative Actions
1- Committee Reports |
| C. | 7:00 | Master Plan Public Hearing |
| D. | 7:05 | 1700 Shawsheen Street, Energy North for Francesca Land, LL
Sign Special Permit <ul style="list-style-type: none">• <i>Application packet dated 5/20/16.</i>• <i>Memo 6/15/16 from Building Commissioner.</i> |
| E. | 7:10 | 2122 Main Street, Semaan Properties, LLC
Continued Site Plan Special Permit, South Village Overlay District <ul style="list-style-type: none">• <i>Mixed-Use Development Plan dated June 20, 2016; prepared by Landplex</i>• <i>Concept Design Plan, Elevation View dated 6/20/16; prepared by Studio 26 Associates, LLC</i> |
| F. | | 1330 Main Street
Village Mixed-Use Concept Plan Discussion |